IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO. 164 OF 2006

Mrs. Sunita wife of Manoj
and anr. ...Petitioners
vs.
M/s. Kotak Mahindra Bank Ltd ...Respondents

Mr. S.K. Chaurasia for the petitioners.
Mr. Harinder Toor i/by. Mohanty and Associates
for the respondents.

CORAM: S.J. VAZIFDAR, J.

DATE : 20TH JUNE, 2006.

P.C. :

1. By consent the petition is admitted and heard finally.

2. The petitioners grievance is that despite

the fact that the father of petitioner no.1 expired on 5.11.2005, the arbitrator refused to adjourn the hearing fixed on 24.11.2005. On 24.11.2005 the arbitrator heard the respondents in the absence of the petitioners and closed the reference. In view of the order agreed to between the parties it is not necessary to consider the above grievance of the petitioners.

3. By consent the award is set aside and the arbitration proceedings shall continue and be considered a continuation of earlier reference. The petitioners shall file their reply to statement of claim within three weeks from today. The petitioners agree and undertake not to apply for adjournment before the learned arbitrator.

4. Petition is accordingly disposed of.

sd/-

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